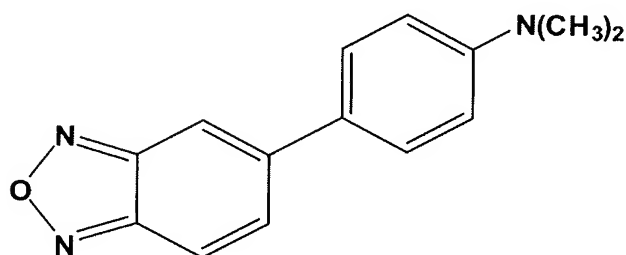


Applicants also provisionally elect the single disclosed species of Example 1, (4-benzo[1,2,5]oxadiazol-5-yl-phenyl)-dimethyl-amine. Claims 1 and 3 read on this species. This species is disclosed in Example 1, at page 6 of the specification as originally filed, and is the compound of Formula I wherein X is O and R<sub>1</sub> is group of formula (a) wherein Y is CH, R<sub>2</sub> is N(CH<sub>3</sub>)<sub>2</sub>, and R<sub>3</sub> is hydrogen, having the following structure:



This election is made with traverse.

Applicants traverse the restriction requirement on the grounds that the search and examination of Groups I-III is not unduly burdensome, given the advances in electronic searching. According to MPEP section 803, “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent and distinct inventions.” Manual of Patent Examining Procedure, 8<sup>th</sup> Edition (August 2007), § 803, at page 800-4, left-hand column, lines 1-5. Applicants submit that a search of all three restriction Groups would not impose any burden upon the Examiner, because there is no undue burden for electronically searching everything at once. In addition, a search concerning the patentability of the invention of one group is likely to uncover art of interest to the other groups. Therefore Applicant respectfully request that the Group I claims be rejoined to the claims of Groups II and III.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 3, 2008

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